

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

AUTHORITY TO REFUND)	
ERRONEOUS OR DUPLICATE)	STANDING ORDER NO. 07-2
ON-LINE FILING FEE PAYMENTS)	

This Order promulgates procedures for the refund of duplicate filing fees which occur through an error made during electronic filing of documents which require filing fees. The Judicial Conference of the United States has a longstanding policy of not refunding filing fees for cases which may have been filed in error or which the court dismissed. (JCUS-Mar 49, p. 202.)

With the advent of electronic filing and payment of fees, errors during the filing and payment of the fees have occurred resulting in duplicate payments of the applicable filing fee. To remedy the problem, the Judicial Conference in March 2005 approved guidance regarding the refund of erroneous or duplicate fees paid electronically.

Authority to approve a refund is a judicial determination, but the Judicial Conference decided that the Chief Judge may delegate authority to make the determination to the Clerk of the Court so long as the court has clear procedures that specify the type of refund that the Clerk may approve.

Accordingly, the undersigned Chief Judge delegates authority to the Clerk or designee to approve refunds of filing fees paid electronically via pay.gov. The following procedures will govern such refunds.

1. The Clerk may refund only:
 - a. Duplicate payments, i.e , those payments where the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges.

- b. Erroneous payments, i.e., those where the payor has inadvertently entered the wrong amount for the filing fee.
- 2. A payor may request a refund by either written motion or application addressed to the Clerk of Court at the Kansas City office:

**Clerk, U.S. District Court
Attn: Finance Department
500 State Ave., RM 259
Kansas City, KS 66101**

- 3. The application must contain the following information:
 - a. Date of Request
 - b. Full and correct account holder name
 - c. Credit Card type and full number, including expiration date
 - d. Current and complete billing address
 - e. Reason for Refund
 - f. Case Number
 - g. Date of Pay.Gov transaction
 - h. Receipt Number or Pay.Gov tracking ID number
- 4. Upon filing, the Clerk's office will review the application, and if appropriate, issue a Clerk's Order approving a refund. The Finance Department will issue a refund against the credit card or ACH transaction through Pay.Gov. **A refund check will not be issued.**
- 5. If the Clerk's office denies a refund, the payor may, within 5 days, move to have the Chief Judge review the denial.
- 6. If a filer repeatedly requests refunds for mistakes made when paying filing fees online, the Clerk may ask the Chief Judge to order remedial action, such as additional training, or to order the filer to show cause why the Clerk should consider further requests for refunds.

This limited approval for the clerk to issue refunds does not otherwise amend the general

refund policy.

IT IS SO ORDERED.

Dated this 31st day of May, 2007.

FOR THE COURT:

s/ John W. Lungstrum
John W. Lungstrum
Chief U.S. District Judge